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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,051	07/14/2003	Albert Chenouda Salib	202-0923 (FGT-1692PA)	6082
28549	7590	11/24/2004	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 2833 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			BEAULIEU, YONEL	
		ART UNIT		PAPER NUMBER
				3661

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,051	SALIB ET AL. <i>OS</i>	
	Examiner	Art Unit	
	Yonel Beaulieu	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 and 16-18 is/are rejected.
- 7) Claim(s) 14 and 15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/28/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Amendments

The Examiner has acknowledged the amendments to claims 14 and 15. In view of such, the §122||2 noted in the last Office action has been vacated.

Response to Arguments

Applicant's arguments filed 12 October 2004 have been fully considered but they are not persuasive.

Regarding the argument that the Chubb reference not teaching the determination of a roll angle, the Examiner respectfully disagrees for the following reasons.

The Examiner still takes the position that the Chubb reference is applicable to the teaching of roll angle determination. Applicant is kindly requested to reconsider his position by taking into account the reference as a whole. Note Chubb's col. 2, lines 52 – 65 and col. 4, line 55 – col. 5, line 2 at least. As this idea of "wheel departure angle," such is clearly illustrated in fig. 1; consider also col. 2, line 43 – 49.

As to the argument with regard to claim 16, item 16 in Chubb clearly controls and holds brake pressure to prevent the vehicle rollover (note col. 2, lines 52 – 65, wherein item 18 controls braking at various corner of the vehicle); this idea of bouncing suggests none other than the vehicle is about to rollover.

For at least the above reasons, the rejection is maintained and repeated as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 13 and 16 - 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chubb et al. (US 6,593,849 B2).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 2, 5, 6 - 13, and 16, Chubb et al. teaches operating a control system for an automotive vehicle (10; fig. 1) comprising determining a relative roll angle (col. 4: 60 – col. 5: 2 at least); initiating a wheel departure angle determination when the

angle reaches a threshold and controlling a safety system (using item 18) in response to the wheel departure angle (see fig. 3; note col. 5: 52 – 62 at least); Chubb further teaches determining the vehicle is in a transition (when the vehicle wheel is detected as lifted; note abstract at least); determining a roll signal (by way of item 34 in fig. 1); determining a double wheel lift (as illustrated in fig. 1, two of the wheels are elevated; note col. 2: 44 – 46 at least); applying a brake pressure to prevent rollover when the vehicle is bouncing (col. 1: 22 – 26; col. 2: 59 – 63; and col. 3: 40 – 46 at least).

Regarding claims 3, 4, 17, and 18, Chubb et al. further teaches the vehicle transition being a right to left or a left to right transition (Chubb teaches lateral acceleration using item 32 and sway bar characteristics in figs. 2A – 2F at least).

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU
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YONEL BEAULIEU
PRIMARY EXAMINER